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Attorneys for Defendant BAC Home Loans Servicing, LP

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
AT MEDFORD

**EDWARD & RENEE FISHER,**

**PLAINTIFF,**

v.

**BANK OF AMERICA HOME LOANS,  
DEFENDANT.**

Case No. 10-3079-PA

**DEFENDANT'S MOTION TO  
DISMISS, DISSOLVE PRELIMINARY  
INJUNCTION, AND EXPUNGE LIS  
PENDENS**

**Pursuant to FED. R. CIV. P. 12(b)(6)**

**Oral Argument Requested**

**LR 7.1 CERTIFICATION**

Pursuant to LR 7.1, counsel for defendant certifies that he conferred with plaintiffs via telephone on September 29, 2010. Plaintiffs oppose these motions.

**MOTIONS**

Defendant BAC Home Loans Servicing, LP (erroneously listed as Bank of America Home Loans) moves to dismiss plaintiffs' complaint under FED. R. CIV. P. 12(b)(6) for failure to state a claim upon which relief may be granted. Defendant further moves to dissolve the

preliminary injunction entered by this court on August 30, 2010, and expunge the notice of lis pendens filed by plaintiffs on August 23, 2010.

In support of these motions, defendant submits the accompanying Memorandum in Support and Declaration of P. Andrew McStay, Jr. in Support.

DATED this 1st day of October, 2010.

**DAVIS WRIGHT TREMAINE LLP**

By /s/ P. Andrew McStay, Jr.  
Gregory A. Chaimov, OSB 822180  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **DEFENDANT'S MOTION TO DISMISS, DISSOLVE PRELIMINARY INJUNCTION, AND EXPUNGE LIS PENDENS** on:

Edward and Renee Fisher  
3636 Princeton Way  
Medford, OR 97504  
[ed.renee.fisher@gmail.com](mailto:ed.renee.fisher@gmail.com)

Plaintiffs Pro Se

☒ by mailing a copy today in a sealed, first-class postage prepaid envelope, addressed to plaintiffs' address listed above and deposited in the U.S. mail at Portland, Oregon;

☒ by emailing a copy today to plaintiffs' email address listed above.

DATED this 1st day of October, 2010.

**DAVIS WRIGHT TREMAINE LLP**

By /s/ P. Andrew McStay, Jr.  
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